

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF VISTA INTERNATIONAL	)	
COMMUNICATIONS, INC. FOR A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO. 93-367
OPERATE AS A RESELLER OF TELECOMMUNICA-	)	
TIONS SERVICES WITHIN THE COMMONWEALTH	)	
OF KENTUCKY	)	

O R D E R

This matter arising upon petition of Vista International Communications, Inc. ("Vista"), filed November 23, 1993, for confidential protection of its contract with its underlying carrier on the grounds that disclosure of the information is likely to cause Vista competitive injury, and it appearing to this Commission as follows:

Vista is a telecommunications reseller who seeks approval of its application for a certificate of public convenience and necessity to operate within this state. In response to an Order of the Commission entered November 12, 1993, Vista submitted a copy of its contract with Metromedia Communications Corporation, which it now seeks to protect in its entirety as confidential. Because Vista seeks to protect the entire contract, the petition in effect also requests a deviation from the requirement of subsection (2)(a)(2) of the regulation that requires edited copies of information sought to be protected to be filed for inclusion in the public record.

In support of its petition, Vista maintains that publication of the contract will divulge its operating costs which competitors in the resale market will be able to use in pricing their products to gain market share.

The petition further alleges that the competitive damage that would result from public disclosure of the contract extends from the details of the relationship between Vista and its underlying carrier and that every provision of the contract in some way defines those relationships thereby necessitating the deviation requested. An examination of the contract, however, does not support the allegation.

On the contrary, the contract deals with many aspects of the relationship between its parties, not all of which relate to or would reveal Vista's operating costs. Therefore, even if it is assumed that disclosure of cost information in the contract would result in competitive injury, that is not sufficient to protect the entire contract from public disclosure. Therefore, Vista has failed to comply with the provisions of the regulation and its petition must be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition to protect as confidential the entire contract between Vista and its underlying carrier be and is hereby denied.

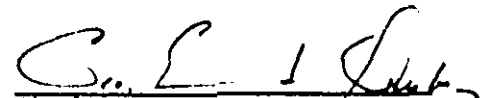
2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open

for public inspection for a period of 20 days from the date of this Order to allow Vista to file a petition in accordance with the regulation.


3. If at the expiration of the 20 day period Vista has not filed a petition in accordance with the regulation, the information sought to be protected shall be placed in the public record without further Orders herein.

Done at Frankfort, Kentucky, this 15th day of December, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director